

DEVIN DERHAM-BURK #104353  
CHAPTER 13 STANDING TRUSTEE  
P O BOX 50013  
SAN JOSE, CA 95150-0013

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Trustee for Debtor

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In Re:	)	Chapter 13
	)	
HONG XUAN VO	)	Case No. 17-51938 SLJ
	)	
	)	<b>MOTION TO DISMISS CASE WITH</b>
	)	<b>DECLARATION IN SUPPORT AND</b>
Debtor	)	<b>CERTIFICATE OF SERVICE</b>

DEVIN DERHAM-BURK, Chapter 13 Standing Trustee requests the instant case be dismissed for cause, and that the accompanying Dismissal Order be entered.

Dated: November 06, 2018      /s/ DEVIN DERHAM-BURK  
Chapter 13 Standing Trustee

**DECLARATION IN SUPPORT OF MOTION**

The above named Debtor is in default under the terms of the confirmed plan. Based upon the default, the Debtor and counsel for the Debtor were served a NOTICE OF DEFAULT IN CHAPTER 13 PLAN AND DEMAND FOR CURE, [hereinafter "NOTICE"], and filed with the court on August 30, 2018. [Doc #60] The NOTICE outlined specific options that, if met within 21 days of the Notice, might allow the Debtor to cure the default and avoid dismissal of the plan.

1 The Debtor failed to respond to the NOTICE in that 1) the Debtor has failed to cure the default;  
2 and 2) has failed to meet and confer with the Trustee and enter into an agreement as outlined in the  
3 Notice; and 3) has failed to file and serve an application or motion resolving the default. The  
4 Debtor remains in default under the terms of the confirmed plan. The Debtor was noticed that the  
5 case would be dismissed forthwith if the Debtor failed to respond to and act upon the NOTICE  
6 and resolve the default. As of the date of this declaration, the Debtor has failed to act upon the  
7 NOTICE. I am the case administrator for the Trustee. I am responsible for administering the  
8 default under this case. I am personally familiar with the facts stated. I declare under penalty of  
9 perjury the foregoing is true and correct to the best of my knowledge. Executed this date in Los  
10 Gatos, California.

11  
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14  
15  
16 Dated: November 06, 2018

/s/ Esmeralda Mejia

Office of DEVIN DERHAM-BURK  
Chapter 13 Standing Trustee

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HONG XUAN VO  
311 BROMLEY CROSS DR  
SAN JOSE, CA 95119

Dated: November 06, 2018

Office of DEVIN DERHAM-BURK  
Chapter 13 Standing Trustee